

IN THE MATTER OF
THE APPLICATION OF
TOWSON FAMILY YMCA
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE CHESAPEAKE
AVENUE, 140' WEST OF DIXIE DR.
(600 W. CHESAPEAKE AVENUE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-198-SPHA

ORDER OF DISMISSAL

This matter comes to this Board on appeal from the special hearing portion only of a decision of the Zoning Commissioner dated December 27, 1993 in which the Petition for Special Hearing was granted in part and denied in part.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Thomas G. Bodie, Esquire, Counsel for Towson Family YMCA, Appellant/Petitioner, dated February 17, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal filed in this matter be dismissed and withdrawn as of February 17, 1994;

IT IS HEREBY ORDERED this 24th day of February, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Michael B. Sauer
Michael B. Sauer
Robert O. Schuetz
Robert O. Schuetz



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 24, 1994

Thomas G. Bodie, Esquire
BODIE, NAGLE, DOLINA, SMITH & HOBBS
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-198-SPHA
Towson Family YMCA

Dear Mr. Bodie:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Ms. Kathleen Conley
J. Carroll Holzer, Esquire
Mr. Kenneth Mills
Mr. Conrad Cowan
Ms. Vivian M. Woodward
Mr. George E. Gavrelis
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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IN RE: PETITIONS FOR SPECIAL HEARING &
ZONING VARIANCE
N/S Chesapeake Ave., 140 ft. W
of Dixie Drive
600 W. Chesapeake Avenue
9th Election District
4th Councilmanic District
Towson Family YMCA
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-198-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on both a Petition for Zoning Variance and Petition for Special Hearing for that property located at 600 West Chesapeake Avenue in Towson. The property is more well known as the site of the Towson Family YMCA, a recreational facility which has served the residents of Baltimore County for many years and is a Towson landmark. The Petitions are filed by the property owner, The Young Men's Christian Association of Baltimore (hereinafter known as the Towson Family YMCA) and contain several requests for relief pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.). Within the Petition for Zoning Variance, relief is sought from the strict application of Section 1801.2.B.2 of the B.C.Z.R. and Comprehensive Manual of Development Policy (CMDP) IIA, page 29, pursuant to Section 504.2 of the B.C.Z.R.; to permit a nonresidential principal building in the recreational facility to have a maximum building length as long as 270 ft. in lieu of the permitted 200 ft. Further, it is to be noted that the Petition, as filed, also sought relief from Sections 432.1.C.1 and 1801.2.C.2 of the B.C.Z.R. However, relief from those sections was deemed superfluous by the Petitioner and the Petition was amended at the public hearing to delete reference to those regulations.

As to the Petition for Special Hearing, relief is sought, pursuant to Sections 500.7 and 1801.1.C.6 of the B.C.Z.R., so as to amend the special

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Date 2/24/94
By [Signature]

exception granted on January 16, 1991 (Case No. 91-196-X) as amended on June 21, 1993 (Case No. 93-194-X) and October 1, 1993. Specifically, the Petition for Special Hearing requests approval of a two phase expansion of the existing recreational facilities on site. All of the relief requested and subject property are more particularly shown on Petitioner's Exhibit 1, the site plan.

The property was advertised and posted as required and a public hearing scheduled and held. At that hearing, the Petitioner was represented by Keith R. Truffer, Esquire. Appearing on behalf of the Petition was Kathleen Conley, Executive Director of the Towson Family YMCA, Kenneth Mills, a Trustee and long time official of the YMCA and George E. Gavrelis, an expert land planner from the firm of Baily, McCune and Walker. Numerous residents of the surrounding locale appeared and testified at the hearing. These residents were mostly from the small residential subdivisions known as Chesapeake Stone Manor and Hampshire Woods, which are located near and about the subject site. These community associations were represented by J. Carroll Holzer, Esquire.

As to the testimony and evidence presented by the Petitioner, Kenneth Mills recounted his long association with the Towson Family YMCA. He is the ex-Director of the Revenue Authority for Baltimore County and has been involved with the YMCA as a trustee for many years. He noted that this facility has 2100 members, which includes both individual and family membership. It was established that approximately 5,000 individuals are included in this membership. Mr. Mills noted that the Towson YMCA was originally established in Baltimore County in the 1940s. The existing site was purchased and built upon in 1958. Several expansions have occurred over the years. Mr. Mills noted that the leadership of the Towson YMCA recently commissioned a study of the needs and expansion of this facility. The

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study concluded that the YMCA did not provide full recreational services to its members. A number of deficiencies in the breadth of recreational opportunities were cited. In order to remedy these deficiencies, numerous improvements are proposed. By and large, they are shown as Phase I and Phase II improvements on the site plan. Phase I includes the construction of an outdoor swimming pool, wading pool, bath house and surrounding deck. The proposed pool and improvements are to be located on the south central portion of the site. Also proposed in connection with the pool expansion is an enlargement of the parking area to provide 48 additional parking spaces.

Phase II involves improvements to the existing YMCA building. A one story addition is to be constructed on the northeast corner of the building. Moreover, enlargement and renovation of the existing facilities is contemplated.

Ms. Kathleen Conley, Executive Director of the Towson YMCA, also testified and amplified Mr. Mills testimony. She stated that the proposed improvements are necessary for the YMCA to retain its membership and remain a viable recreational facility. She noted that the existing physical plant is overwhelmed by the demands of the members. Specifically, she testified that the existing indoor pool at the YMCA is the busiest pool in Baltimore County and that additional pool space is needed. Moreover, she believes that the building expansion and improvements are required so as to enlarge and modernize the athletic/aerobic facilities.

Ms. Conley also discussed the mission of the YMCA and described in detail the contemplated use of the proposed pool. The YMCA has traditionally been an institution designed to provide recreational/educational opportunities for a broad cross section of the population. The functions of the YMCA are varied. These functions range from the providing of swimming

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lessons to the young, to aerobics/fitness classes for all ages, to rehabilitation services to the elderly. The Towson YMCA branch, one of three in Baltimore County, is no doubt the flagship of the YMCA operations in Baltimore County and serves a large and diverse cross section of the population.

As to the proposed outdoor pool, it will be used for many purposes. A portion of the time and space will be reserved for lap swimmers. These are serious athletes who use the pool to swim laps and increase their aerobic capacity and improve general fitness. At other times, it is anticipated that the YMCA's large number of day campers will utilize the pool for lessons and group activities. There will also be an extended period of open swim time for members of the YMCA and their families. In fact, Ms. Conley indicated that this was a demand which the YMCA was currently unable to meet with the existing facilities. Apparently, many members who are unable to afford memberships at the more exclusive country club swimming facilities in the County need a pool for relaxation and to enjoy quality time with their families. These families will be afforded an opportunity for a family swim in the proposed pool. Ms. Conley also discussed some of the specifics of the proposed operation including hours of operation, lighting, etc.

The final witness produced by the Petitioner in support of the subject Petitions was George Gavrelis. Mr. Gavrelis addressed both the merits of the Petition for Variance and the Special Hearing. As noted above, the variance relief is necessary to permit expansion of the entire facility, both Phase I (pool, etc.) and Phase II (building). In order for this expansion to be allowed, the Petitioner must adduce testimony and evidence that the expanded use will not be detrimental to the surrounding locale and meets the standards set forth in Section 502.1 of the B.C.Z.R. These standards relate to such issues as traffic, pollution, and the like.

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Mr. Gavrelis discussed each of those standards and opined that the proposed expansion (both Phase I and II) would not be detrimental to the health, safety and general welfare of the community. He also noted that the site plan had undergone review by the County agencies which comprise the Zoning Plans Advisory Committee (ZAC). A number of comments were offered by that Committee. In fact, the plan has been amended twice since its initial filing to address and satisfy those comments. In fact, Petitioner's Exhibit No. 1 is an amended plan and does address many of the ZAC comments.

Lastly, Mr. Gavrelis testified that he believes that the proposed expansion of the facilities is entirely consistent with the land uses in the surrounding locale. He noted that the entire site is 16.4 acres and is zoned D.R.3.5. In his opinion, approximately 1/4 of the total area of the site is improved and covered with impermeable surface. Thus, he believes that the plan represents a minor utilization of the site for building purposes in that the majority of the existing property will remain grass and/or wooded. Further, with the proposed landscaping and fencing of the improvements and pool, Mr. Gavrelis believes that the site will be visually screened from surrounding residential uses.

As noted above, a number of Protestants appeared at the hearing to voice their objection to the proposed plan. Many of these Protestants reside in the small subdivisions which are located south of the site known as Chesapeake Stone Manor and Hampshire Woods. Chesapeake Stone Manor consists of 14 condominium units located directly across Chesapeake Avenue from the existing parking lot and proposed pool improvements. Hampshire Woods are farther westerly on Chesapeake Avenue and consist of a nine lot residential subdivision. Testimony was received from a number of these residents. They included Van Fossen Schweb, Vivian Woodward and Bill Fos-

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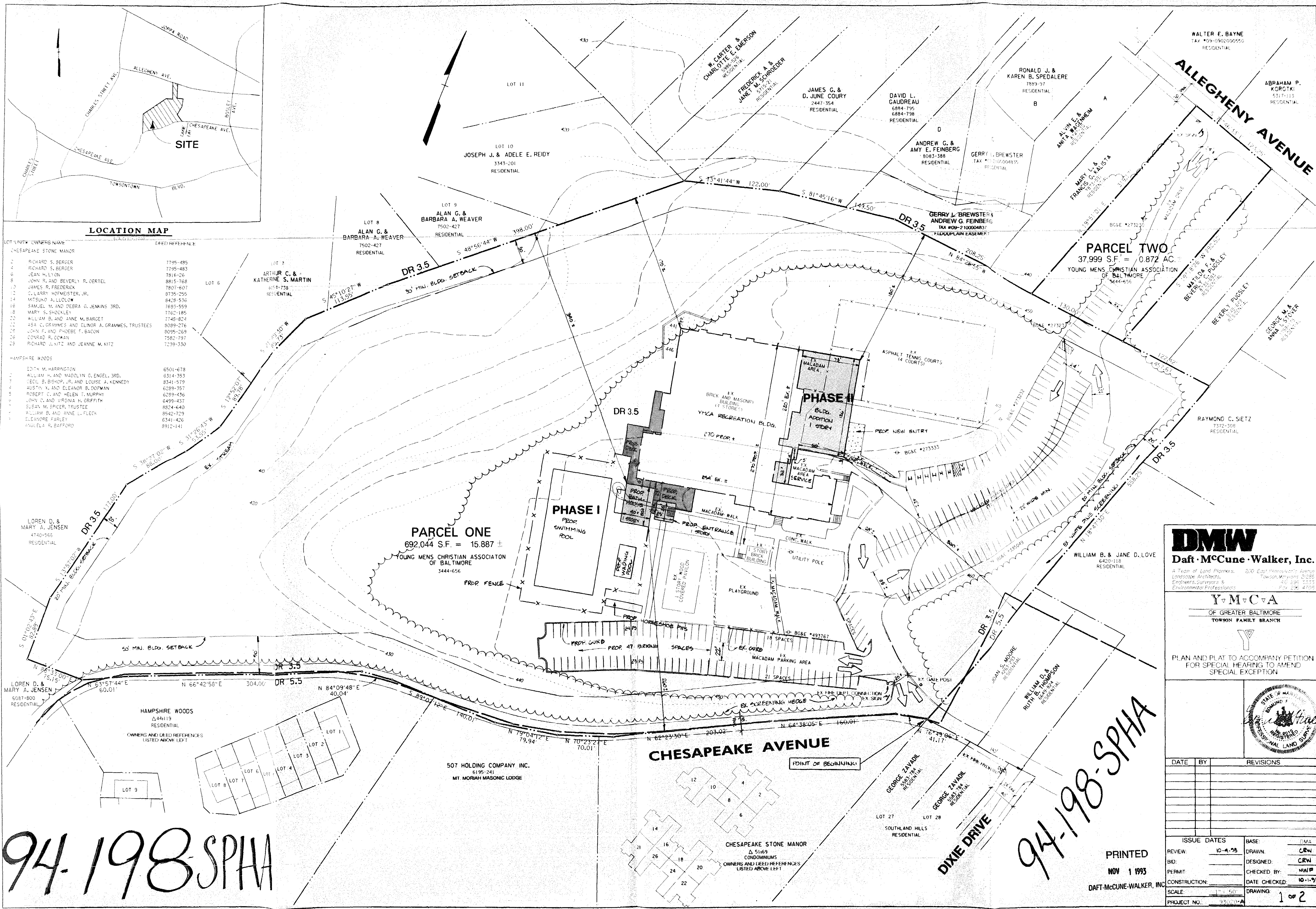
ter. These Protestants are all concerned about the effects of the proposed expansion. Particularly objectionable is the anticipated levels of noise which will emanate from the outdoor swimming pool. They believe that the noise will prove to be a disruptive force upon their neighborhood and homes. Concerns were also voiced over increased volumes of traffic and parking. The Protestants concerns are well documented within the record of this case.

In addressing the merits of this matter, attention is first turned to the Petition for Zoning Variance. As noted above, this Petition relates to the existing YMCA recreational building and proposed improvements thereto. As Mr. Gavrelis noted, that structure is already in technical violation of the B.C.Z.R. but is a nonconforming use defined in Section 104 of the B.C.Z.R. Mr. Gavrelis testified that as recently as 1992, the regulations provided that a nonresidential building could be up to 400 ft. in dimension. However, the regulation was amended downward in 1992 so that at present, a building dimension may not exceed 200 ft. In fact, the existing building's width and length already exceeds that dimension. As the site plan notes, the building presently is 254 ft. wide and 220 ft. deep. With the proposed improvements, the depth of the building will reach 270 ft., as will the proposed width. Thus, notwithstanding the nonconforming nature of the existing structure, the improvements require that a variance be obtained.

As is well settled, the standard to be applied in considering any variance from the B.C.Z.R. are as set forth in Section 307.1 thereof. In essence, the Petitioner must satisfy three tests. First, testimony and evidence must be adduced that the Petitioner and his property will suffer a practical difficulty or unreasonable hardship if the variance is denied.

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LOCATION MAP

LOT OWNERS NAME

1	CHESAPEAKE STONE MANOR	
2	RICHARD S. BERGER	7795-485
3	RICHARD S. BERGER	7795-483
4	JEAN M. LYON	7816-26
5	JOHN M. AND BEVERLY R. GERTEL	8815-768
6	JAMES R. FREDERICK	7807-607
7	C. LARRY HOFMEISTER, JR.	8735-255
8	MIRUAD A. LULLOW	8428-536
9	SAMUEL M. AND DEBRA G. JENKINS, JR.	7693-559
10	MARY S. SHOCKLEY	7760-185
11	WILLIAM B. AND ANNE M. BARDET	7748-824
12	ASA G. GRAMMES AND ELLOR A. GRAMMES, TRUSTEES	8089-076
13	JOHN F. AND FRANCES F. BACON	8095-258
14	CONRAD R. COGAN	7582-737
15	RICHARD J. NITZ AND JEANNE M. NITZ	7239-330

HAMPSHIRE WOODS

16	EDITH M. HARRINGTON	6501-678
17	WILLIAM M. AND MADOLYN G. ENGEL, JR.	6314-353
18	LEO B. BISHOP, JR. AND LOUISE A. KENNEDY	8341-579
19	AUSTIN A. AND ELEANOR BLOOMMAN	6289-757
20	ROBERT C. AND HELEN T. MURPHY	6289-436
21	JOHN C. AND VIRGINIA H. GRIFFIN	6499-437
22	SUSAN M. SPICER, TRUSTEES	8624-440
23	WILLIAM B. AND ANNE L. FLECK	8842-729
24	ELEANORE FARLEY	6341-426
25	ANUELLA R. BAFORD	8912-141

94-198-SPHA

DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21286
Tel. 410-281-1333
Fax 410-281-4705

Y·M·C·A
OF GREATER BALTIMORE
TOWSON FAMILY BRANCH

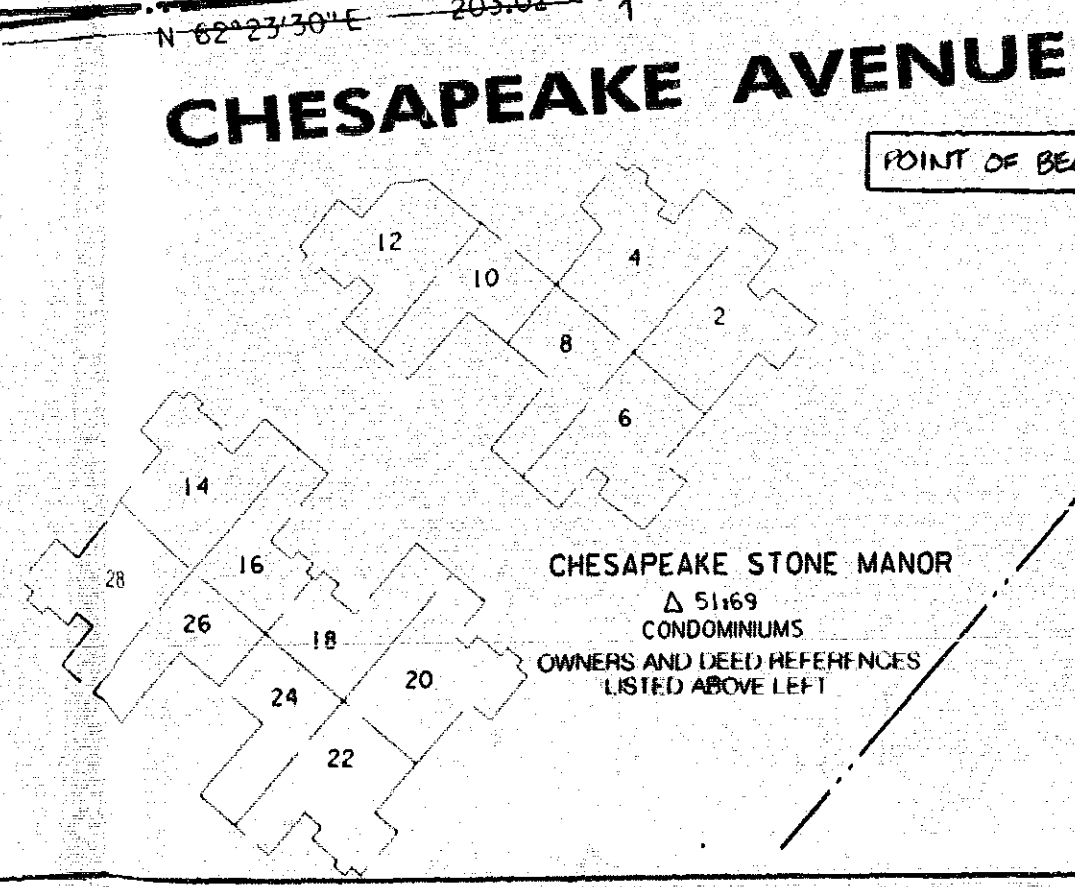
PLAN AND PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING TO AMEND
SPECIAL EXCEPTION

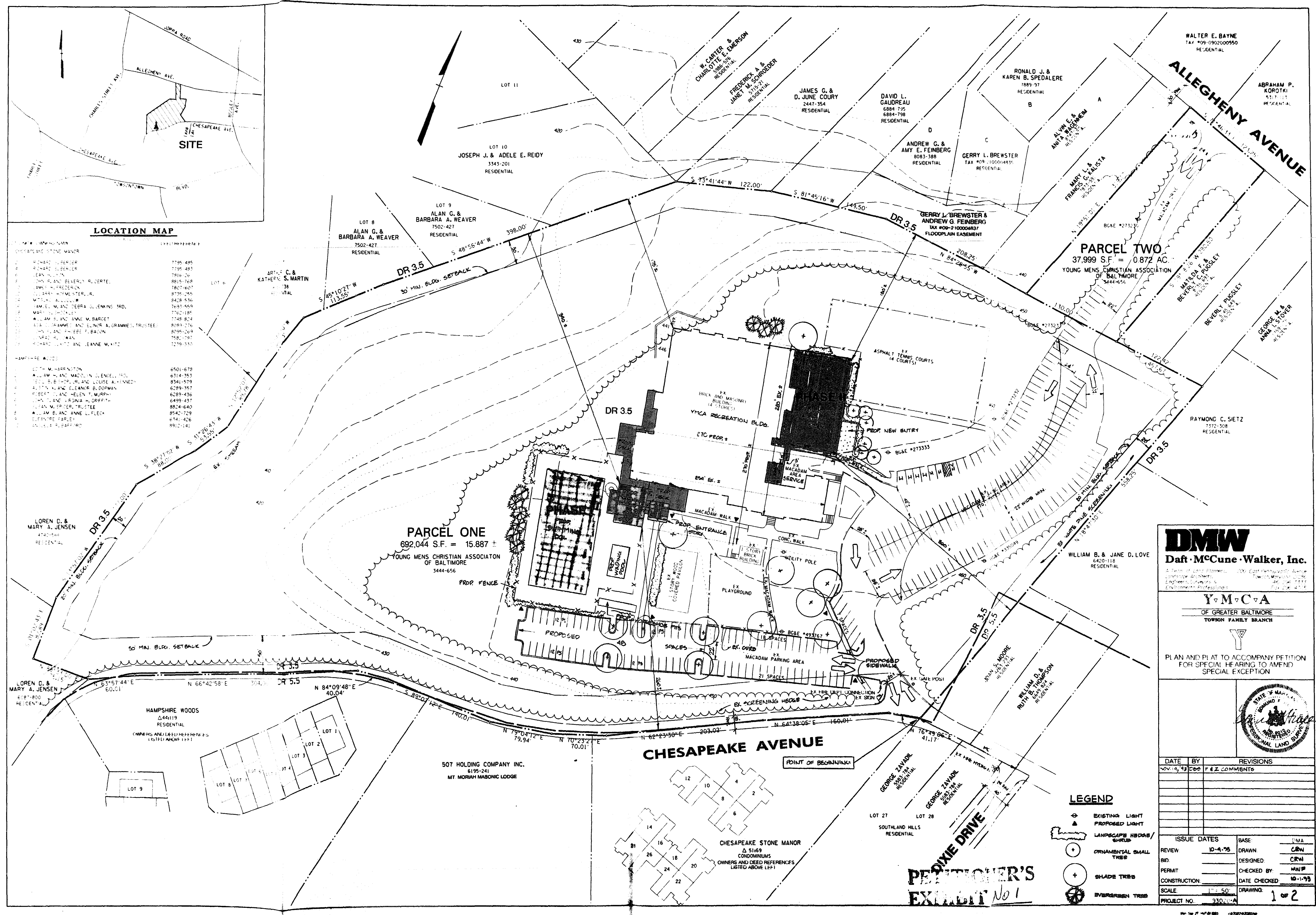
DATE BY REVISIONS

ISSUE DATES BASE: DMA
REVIEW: 10-4-93 DRAWN: CRW
BID: DESIGNED: CRW
PERMIT: CHECKED BY: MMW
CONSTRUCTION: DATE CHECKED: 10-1-93
SCALE: 1" = 50' DRAWING: 1 of 2
PROJECT NO.: 94-198-SPHA

94-198-SPHA

PRINTED
NOV 1 1993
DAFT-MCCUNE-WALKER, INC.





LOCATION MAP

- CHESAPEAKE STONE MANOR
- ROBERT J. BENDER 7795-485
 - ROBERT J. BENDER 7795-483
 - LEAH J. BENDER 7816-26
 - JOHN BLANK BEVERLY R. CORTI 8815-749
 - JAMES H. FREEDERICK 7807-607
 - JOHANN H. WINTER, JR. 8736-265
 - WILLIAM J. ALLEN 8428-636
 - WILLIAM M. AND TERRA J. JENNINGS TRD. 7687-659
 - WILLIAM J. JENNINGS 7762-185
 - WILLIAM E. AND ANNE M. BARDET 7748-824
 - WILLIAM E. AND ELEANOR A. GRAMMIS TRUSTEE 8089-276
 - WILLIAM E. AND ELEANOR A. GRAMMIS 8096-269
 - WILLIAM E. AND ELEANOR A. GRAMMIS 7582-787
 - WILLIAM E. AND ELEANOR A. GRAMMIS 7279-330
- HAMPSHIRE WOODS
- JOHN W. HARRINGTON 6501-678
 - WILLIAM E. AND MACDONALD J. JENNINGS TRD. 6714-353
 - JOHN E. B. B. H. H. AND LOUISE A. HANNEY 8741-579
 - JOHN E. B. B. H. H. AND LOUISE A. HANNEY 6289-357
 - JOHN E. B. B. H. H. AND LOUISE A. HANNEY 6289-436
 - JOHN E. B. B. H. H. AND LOUISE A. HANNEY 6499-437
 - JOHN E. B. B. H. H. AND LOUISE A. HANNEY 8824-640
 - WILLIAM E. AND ANNE M. BARDET 8542-729
 - ELEANOR A. GRAMMIS 6741-426
 - ELEANOR A. GRAMMIS 8912-141

DMW
Dart-McCune-Walker, Inc.
A Division of Land Planning, Inc. 200 East Pennsylvania Avenue
Baltimore, Maryland 21202
Engineers, Surveyors, Planners, Architects, and Environmental Professionals

Y M C A
OF GREATER BALTIMORE
TOWSON FAMILY BRANCH

PLAN AND PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING TO AMEND
SPECIAL EXCEPTION

DATE	BY	REVISIONS
NOV. 19, 1999	DMW	P. & Z. COMMENTS

ISSUE DATES	BASE	DATE
REVIEW	10-4-95	DRAWN
BID.		DESIGNED
PERMIT		CHECKED BY
CONSTRUCTION		DATE CHECKED
SCALE	1" = 50'	DRAWING
PROJECT NO.	930200A	1 OF 2

- LEGEND
- EXISTING LIGHT
 - PROPOSED LIGHT
 - LANDSCAPE HEDGES/SHRUB
 - ORNAMENTAL SMALL TREES
 - SHADE TREES
 - EVERGREEN TREES

PETITIONER'S EXHIBIT No 1

See Mullan v. Selby, 177 Md. 708 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The second test to be met is that the relief can be granted only in strict harmony with the spirit and intent of the said regulations. Lastly, a variance can be approved only if there will be no injury to the public health, safety and general welfare.

As it relates to the proposed building and improvements thereto, I am persuaded that the Petitioner has met its burden. It is particularly significant that the building presently exceeds the standard. The increase occasioned by the proposed expansion is insignificant insofar as its effect on the surrounding locale. The activities associated with the proposed building expansion will incur indoors. Moreover, as Mr. Gavrelis noted, the building more than observes all property line setbacks. Clearly, a granting of the variance will not be detrimental to the surrounding locale and will be in keeping with the spirit and intent of the zoning regulations. As to practical difficulty, I am, likewise, persuaded that that standard has been met. A large segment of the property is encompassed by woods and steep slopes which prevents construction elsewhere.

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These site constraints dictate that any expansion should be to the existing facility. To prohibit any additions to the existing building would unduly restrict the Petitioner's permitted use of the property. For all of these reasons, I find that the Petition for Variance should be granted and will so order.

As to the proposed pool, the expansion of the facility in this area is the real subject of debate. As noted on the site plan, a significantly sized swimming pool (150 ft. x 75 ft.) is to be constructed. This pool will be much larger than the existing indoor pool which is approximately 75 ft. x 30 ft. Moreover, as noted above, the pool will accommodate the various YMCA water classes, lap swimmers and general family use.

Prior to addressing the merits of this proposed expansion, a threshold issue relating to the site's parking requirements need be considered. As shown on the site plan, the property currently contains approximately 216 parking spaces. Under Section 409 of the B.C.Z.R. (parking regulations), required parking is tabulated for this site by considering the size of the existing structures thereon. As shown on page 2 of the site plan, the previous special exception required 135 spaces. The square footage of the building improvements mandate 70.2 additional spaces. The Petitioner alleges that the proposed pool requires 57.1 spaces. Thus, the Petitioner avers that 263 spaces are needed.

The numeric calculation for the pool is derived from Section 409.b.A.4. of the B.C.Z.R. Therein, it is stated that a community swimming pool requires one parking space per 7 persons permitted in the pool at any one time as determined by the Department of Health. For a commercial swimming pool, one parking space per 4 persons permitted in the pool at any one time by the Department of Health need be calculated. The Petitioner alleges that 400 persons are permitted in this pool under the

Department of Health Regulations. Believing same to be a community pool, the above formula requires 57.1 spaces.

It is obvious that in order for the Petitioner's site plan to be approved, their assertion that the pool is community in nature must be correct. That is, if the pool is considered commercial, 100 parking spaces would be required for the pool (1 per 400 persons per the Department of Health standards). In that instance, there would be insufficient parking.

In determining whether the proposed YMCA pool is commercial or community, guidance is first sought from the B.C.Z.R. Unfortunately, the term swimming pool, commercial pool and/or community pool are not defined in the B.C.Z.R. Moreover, no assistance is provided within the Zoning Commissioner's Policy Manual, a publication which provides interpretation of the regulations. Moreover, Section 101 of the B.C.Z.R. does not define the words "community" or "commercial". A previously contained definition of community was deleted by Bill No. 3-92. The development regulations, codified in Title 26 of the Baltimore County Code likewise fail to define these terms. In such a case, the B.C.Z.R. provides that any word or term not defined shall have the ordinarily accepted definition as set forth in the most recent addition of the Webster's Third New International Dictionary of the English Language Unabridged. (See Section 101).

A swimming pool is defined by Webster as a pool suitable for swimming (especially a tank made out of concrete or plastic). Commercial swimming pool or community swimming pool are not defined by Webster. However, the dictionary defines commercial as "of, in or relating to commerce", and commerce as "the exchange of buying and selling of commodities especially on a large scale." Community is defined as a "body of individuals organized into a unit or manifesting a unifying trait."

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In applying these definitions to the instant case, counsel for the Petitioner argues that the proposed YMCA pool must be considered a commercial pool in nature. He likens community pools with those pools which are found within an apartment complex and identifiable neighborhoods, such as Stoneleigh, Springlake, etc. Moreover, Mr. Holzer avers that community pools are distinguished by their restricted membership, often to residents of a particular neighborhood, development or apartment complex. He insists that drafters of the B.C.Z.R. intended community pools to include only those facilities which serve a small geographic area. Moreover, such intent resulted in the parking requirement distinction between community pools and commercial pools. Clearly, if a neighborhood pool, a large majority of patrons walk to same, thus a "less stringent" parking space allotment is required. Counsel for the Petitioner argues that the YMCA pool cannot be considered community in nature. Rather than drawing from a small and limited geographical area, the YMCA pool is open to anyone who chooses to join the facility. In fact, representatives of the YMCA admitted that their membership ranges from individuals who live in Baltimore City to the south, Lutherville/Timonium/Severna Park to the north, Catonsville to the west and Parkville/Carney to the east. As importantly, the YMCA offers a metro-membership. This membership allows individuals to utilize any of the YMCA's facilities in the Baltimore Metropolitan area. Thus, a member who lives or normally visits the White Marsh/Fallston YMCA may patronize the Towson YMCA.

After considering all of the evidence and arguments presented, I am persuaded that Mr. Holzer's argument is valid and that the Towson YMCA facility must be considered a commercial pool. Although a not-for-profit organization, the distinctions between the YMCA pool and a community association pool serving a limited neighborhood are obvious. Moreover, the

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factors noted above, including the large geographical drawing area and metro-membership opportunities, are significant. Thus, I find, as fact, that the proposed pool is commercial.

Having reached such a determination, the proposed site plan, therefore, cannot be permitted. No parking variance has been requested and per the regulations set forth above, insufficient parking spaces are provided. The Petitioner must provide parking at a rate of 1 space per 4 persons or request a parking variance. Same has not been requested here. This plan, on its face, does not comply with the B.C.Z.R.

Notwithstanding my decision concerning the commercial nature of the pool, I feel compelled to offer some comment as to the proposed special hearing and pool expansion. Clearly, the Petitioner may refile its Petition and seek a parking variance. I offer the following as dicta, and same shall not be binding on future plans or Petitions. Nonetheless, some comment on this Hearing Officer's perception of the proposed expansion may be helpful.

Let it first be noted that it is not the role of this Zoning Commissioner to adjudge the stated objectives and goals of the YMCA. The YMCA is a laudable institution which has served this and other communities well for many years. Particularly in today's deteriorated social strata, the services provided by the YMCA are needed and welcomed. To question the wisdom of the YMCA's program is akin to attacking motherhood and apple pie.

Nonetheless, it is this Zoning Commissioner's authority and obligation to adjudge the merits of a particular land use on the surrounding locale. Section 502.1 of the B.C.Z.R. requires that certain findings be made in considering any expansion of the special exception use. In this respect, I have serious reservations about the propriety of the YMCA's proposed expansion and would not approve the proposed pool even if the

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parking requirements were met. Several items trouble me about the proposed pool, including its size, its outdoor location and its stated purpose.

As to its size, the proposed pool is enormous. Testimony was offered that the Department of Health calculates 400 bathers utilizing the pool at anyone time and representatives of the YMCA testified that up to 700 people might be present on the busiest of occasions. This site can simply not accommodate those numbers. Although the site is large, the developable area of same is restricted. Moreover, it is clear that a vast majority of the members of the YMCA drive to the Towson branch. There is little available pedestrian access at present and although a sidewalk is proposed from Chesapeake Avenue, but a small portion of visitors will walk to the site. Thus, I believe the one car per four bathers may well be conservative. Clearly, most lap swimmers will drive their own car to the site and many individuals in classes will also arrive by their own vehicle. Uncontradicted testimony was offered that the YMCA's parking lot is now crowded and a potential influx of these numbers to the outdoor pool would create a significant negative impact on the surrounding community.

As to its outdoor location, the neighbors rightfully express concerns about noise to be generated by the pool. Especially, with its size and number of users, as noted above, the noise expected to be generated will be substantial. If the pool were indoors, the noise issue would be abated. I would have little concern over expansion of the existing indoor pool or second indoor pool. Moreover, it is clear that due to financial constraints, any pool built inside would need be smaller than the one proposed. Thus, an indoor construction would, no doubt, solve many of the issues which the Protestants have raised.

As to the pools stated purpose, I reiterate that it is not this Zoning Commissioner's role to question the purpose and goals of the Towson Family YMCA. However, as they affect the surrounding locale generated by the special exception issues, one cannot help but feel that the YMCA's desire to be all things to all people is impractical. As to the pool, the YMCA proposes offering services to the serious athlete who wishes to conduct training by swimming laps. The pool will also be available to a variety of classes including swimming lessons for children, rehabilitation for seniors and a myriad of other organized activities. Most importantly, the pool is to be constructed to serve a segment of the YMCA membership which is presently neglected, the family unit. One need only visit commercial and community pools in the Baltimore County area to appreciate the numbers of families which can be drawn during the busy Summer period. Weekends, holidays and hot Summer days can draw huge crowds to any pool in Baltimore County. The shortage of pool facilities and the high demand for same is self evident. With the pool proposed of this magnitude, a membership of approximately 5,000 individuals and a stated goal of providing a place where families can enjoy this recreational activity together, one can visualize the possibilities. In my view, such a scenario would overwhelm the internal infrastructure of this site and cause detriment to the surrounding locale. I cannot help but conclude that to target the use of the pool to families is ill conceived. Expansion of existing facilities to serve classes and athletes is one thing, competing with community pools (e.g. Stoneleigh) and commercial pools (e.g., Padonia Park) is quite another. For these reasons, I would not approve the special hearing even if the parking standards were met.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted, in part and denied, in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of December, 1993, that a variance from Section 1801.2.B.2 of the B.C.Z.R. and Comprehensive Manual of Development Policy (CMDP) IIA, page 29, pursuant to Section 504.2 of the B.C.Z.R. to permit a nonresidential principal building in the recreational facility to have a maximum building length as long as 270 ft., in lieu of the permitted 200 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, relief from Sections 500.7 and 1801.1.C.6 of the B.C.Z.R. so as to amend the special exception granted on January 16, 1967 (case No. 67-136-X) as amended on June 27, 1968 (case No. 68-304-X) and October 7, 1969 to permit expansion of existing recreational facilities within Phase II (building addition) be and is hereby GRANTED IN PART AND DENIED IN PART; to wit, that the proposed improvement to the property shown on the site plan as Phase II is hereby approved, and the proposed improvement shown as Phase I is denied and disapproved.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 90 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE K. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

-14-

Suite 111, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 22, 1993

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
Case No. 94-198-SPHA
Property: 600 West Chesapeake Ave.
Towson Family YMCA, Petitioner

Dear Mr. Truffer:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in part and denied in part, in accordance with the attached order.

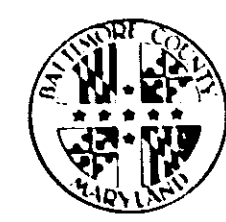
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3341.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Mr. Kathleen Conley

cc: Mr. Kenneth Miller
Mr. George Javella
Mr. Carroll Roberts, Esquire



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 600 W. Chesapeake Avenue, Towson, MD
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve, pursuant to BCZR Section 500.7 and Section 1801.1.C.6, an amendment to special exception granted January 16, 1967 (#67-136x), as amended June 27, 1968 (#68-304x) and October 7, 1969, to permit expansion of existing recreational facilities.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip

Write on separate sheet and affix, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Towson Family YMCA

(Type or Print Name)

Signature BY: Kathy Conley/Director

(Type or Print Name)

Signature

Address

City State Zip

Name

Address

City State Zip

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER DATE 11-2-93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 600 W. Chesapeake Avenue, Towson, MD
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from BCZR Sections 432.1.C.1, 1801.2B.2, 1801.2C.2, and OZP 11A, page 29, pursuant to Section 504.2 to permit a non-residential principal building in the recreational facility to have a maximum building length as long as 270 feet in lieu of the permitted 200 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

TO BE ADDRESSED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip

Write on separate sheet and affix, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Towson Family YMCA

(Type or Print Name)

Signature BY: Kathy Conley/Director

(Type or Print Name)

Signature

Address

City State Zip

Name

Address

City State Zip

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER DATE 11-2-93

Description 94-198-SPHA
to Accompany Petition for Special Hearing
to Amend Special Exception
North Side of Chesapeake Avenue, West of Dixie Drive
Ninth Election District, Baltimore County, Maryland

DMW

Dale M. Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21204

410-296-1111

Fax: 296-1105

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a point in the center of Chesapeake Avenue measured Westerly 140 feet, more or less, measured along the center of Chesapeake Avenue from the intersection of the centerline of Chesapeake Avenue, 50 feet wide, with the centerline of Dixie Drive, thence leaving said beginning point and centerline (1) North 18 degrees 47 minutes 30 seconds East 558.25 feet, thence (2) North 84 degrees 28 minutes 55 seconds West 457.67 feet, thence (3) South 81 degrees 45 minutes 16 seconds West 149.50 feet, thence (4) South 73 degrees 41 minutes 44 seconds West 122.00 feet, thence (5) South 48 degrees 56 minutes 44 seconds West 398.00 feet, thence (6) South 45 degrees 10 minutes 27 seconds West 113.55 feet, thence (7) South 21 degrees 49 minutes 30 seconds West 85.73 feet, thence (8) South 12 degrees 52 minutes 07 seconds West 89.78 feet, thence (9) South 31 degrees 26 minutes 43 seconds West 53.55 feet, thence (10) South 38 degrees 27 minutes 02 seconds West 88.00 feet, thence (11) South 13 degrees 57 minutes 02 seconds West 177.00 feet, thence (12) South 01 degree 02 minutes 43 seconds East 82.89 feet, thence (13) North 88 degrees 33 minutes 00 seconds East 75.15 feet to a point in or near the centerline of Chesapeake Avenue, thence running in or near said centerline the following nine courses and distances, viz: (14) North 63 degrees 57 minutes 44 seconds East 60.01

Page 1 of 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/13/93
Posted for: Special Hearing to Variance
Petitioner: Towson Family YMCA
Location of property: 600 W. Chesapeake Ave. NB, 1st of Dixie Dr.
Location of Sign: Entry driveway on property being posted
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 11/18/93
Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/29/94
Posted for: Appeal
Petitioner: Towson Family YMCA
Location of property: 600 W. Chesapeake Ave. NB, 1st of Dixie Dr.
Location of Sign: Entry driveway on property being appealed
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 12/1/94
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/18, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 11/18, 1993.

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

receipt

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number: 193
Date: 11-2-93. 94-198-SPHA
030 SPECIAL HEARING \$250
030 VARIANCE (COM) \$250
000 SIGNS (2) 70
\$570
John R. Alexander

01A01N0090N1CHRC \$570.00
BA 0012128PMLL-02-93
Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 88940
DATE 1/25/94 ACCOUNT R-001-6150
AMOUNT \$175.00
RECEIVED FROM: BODIE, NAGLE, DELMA, SMITH + HARRIS
FOR: APPEAL - 94-198-SPHA
01A01N0090N1CHRC \$175.00
VALUATION ON SIGNATURE OF CASHIER
DATE 1/25/94

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 88939
DATE 1/25/94 ACCOUNT R-001-6150
AMOUNT \$35.00
RECEIVED FROM: BODIE, NAGLE, DELMA, SMITH + HARRIS
FOR: SIGN APPEAL 94-198-SPHA
01A01N0090N1CHRC \$35.00
VALUATION ON SIGNATURE OF CASHIER
DATE 1/25/94

NOTICE OF HEARING

November 15, 1993

Please forward to:

Keith R. Truffer, Esq.
102 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 887-1800

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Room 118, Old Courthouse, 900 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-198-SPHA (Item 192)
600 W. Chesapeake Avenue
R/S Chesapeake Avenue, 140' W of Dixie Drive
9th Election District - 4th Councilmanic
Petitioner(s): Towson Family YMCA
HEARING: MONDAY, DECEMBER 6, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to special exception granted 1/16/67 (case #67-136-X), as amended 6/27/68 (case #68-104-X) and 10/7/69, to permit expansion of existing recreational facilities.
Variance to permit a non-residential principal building in the recreational facility to have a maximum building length as long as 270 feet in lieu of the permitted 200 feet.

LAURENCE E. SCHULTZ
ZONING COMMISSIONER, BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

COPY

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1993

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Room 118, Old Courthouse, 900 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-198-SPHA (Item 192)
600 W. Chesapeake Avenue
R/S Chesapeake Avenue, 140' W of Dixie Drive
9th Election District - 4th Councilmanic
Petitioner(s): Towson Family YMCA
HEARING: MONDAY, DECEMBER 6, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to special exception granted 1/16/67 (case #67-136-X), as amended 6/27/68 (case #68-104-X) and 10/7/69, to permit expansion of existing recreational facilities.
Variance to permit a non-residential principal building in the recreational facility to have a maximum building length as long as 270 feet in lieu of the permitted 200 feet.

Carl Jablon
Arnold Jablon
Director

cc: Towson Family YMCA
Keith R. Truffer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 26, 1993

Keith R. Truffer, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-198-SPHA, Item No. 192
Petitioner: Towson Family YMCA
Petition for Special Hearing

Dear Mr. Truffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 192 (314)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief

Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: November 30, 1993

SUBJECT: Towson YMCA

INFORMATION:

Item Number: 192

Petitioner: Towson Family YMCA

Property Size: _____

Zoning: D.R. 3.5

Requested Action: _____

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

This petition for a Variance has been requested in order to expand an existing Towson YMCA with a proposed one story addition, bath house, deck, swimming and wading pool.

The request for Variances to Section 1801.2B.2, 1801.2.C.2 and the Comprehensive Manual for Development Policies II A, page 29 is required since the building length is proposed to be 270 feet in lieu of the required 200 feet. This request involves non-residential principal building standards in D.R. zones and compatibility requirements in accordance with Section 26-282 and 26-203(d)(20) of the Baltimore County Development Regulations. This site is within the Towson Community Plan area, in a Community Conservation Area, Inner Neighborhoods. Improved pedestrian access from the YMCA to the West Towson community is very important and has been shown on the plan. The Towson YMCA is a community based institution that has been an integral part of the Towson community for the last 25 years.

After reviewing revised site plans and architectural drawings dated 11/19/93, the Director of the Office of Planning and Zoning is making a favorable recommendation concerning the proposed 270 foot building length and site plan, provided the following items are addressed.

1. The fence surrounding the proposed swimming pool should be board on board or stockade. Note 14 on sheet 2 should be revised accordingly.

2. A limit of disturbance line should be shown on this plan which should be reflected on all subsequent plans accompanying grading plans, landscaping plans, building permits, etc. This limit of disturbance should allow for the preservation of the existing trees which surround the site providing a buffer between the YMCA and parking lot and the surrounding residential communities to the north, south, east and west. Note 13 on sheet 2 should be modified accordingly.
3. Building materials and architectural detail should be as specified on sheet 2. Any changes to architectural details must be submitted to the Director of Planning and Zoning, since buildings must comply with 26-203(d)(20) and 26-282 of the Development Regulations.
4. A light standard should be provided for all new free-standing lights. Lighting should be directed away from off-site residences. Parking lot lights should be equipped with cut off devices.
5. Hours of operation, particularly for the pool, should be noted on the plan.

Prepared by: Jeffrey W. Long

Division Chief: Edy L. Keir

PK/JL:lw

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 18, 1993

(410) 887-3410

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 15, 1993

Property Owner: (Case #94-125-AA)
Location:
Item No.: 124

Property Owner: Eastpoint Partners Limited Partnp.
Location: #7800 Eastern Avenue, EPM
Item No.: + 191 (RT)

Property Owner: Towson Family YMCA
Location: #600 West Chesapeake Avenue
Item No.: + 192 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Approved: Robert Sauerwald
Fire Prevention Bureau
Lieutenant R. Sauerwald (887 4880)

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on Recycled Paper

APPEAL

Petition for Special Hearing and Variance
N/S Chesapeake Avenue, 140 ft. W of Dixie Drive
(600 W. Chesapeake Avenue)
9th Election District - 4th Councilmanic District
Towson Family YMCA-PETITIONER
Case No. 94-198-SPHA

Petition(s) for Special Hearing (appealed) and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protest(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Petition for Special Hearing and Variance

2 - Non-Residential Principal Building in D.R. Zones

3 - Letter to Lawrence E. Schmidt dated November 30, 1993

4 - No Exhibit Marked No. 3

5 - Letter to Jean Tansey dated October 12, 1993

Letter to Hon. Douglas B. Riley dated December 4, 1993 from Donald R. Wright, West Towson Neighborhood Association

Zoning Commissioner's Order dated December 27, 1994 (Granted Variance/Special Hearing Granted/Partial Denial)

Notice of Appeal received on January 24, 1994 from Thomas G. Bodie, Esquire

c: Thomas G. Bodie, Esquire, 21 West Susquehanna Avenue, Towson, MD 21204

J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204

Ms. Kathleen Conley, 600 W. Chesapeake Avenue, Towson, MD 21204

Mr. Kenneth Mills, 2605 E. Strathmore Avenue, Baltimore, MD 21214

Mr. George E. Gavrelis, 200 E. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning and Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 25, 1994

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Petition for Special Hearing and Variance
N/S Chesapeake Avenue, 140 ft. W
of Dixie Drive
(600 W. Chesapeake Avenue)
9th Election District
4th Councilmanic District
Towson Family YMCA-Petitioner
Case No. 94-198-SPHA

Dear Mr. Holzer:

Please be advised that an appeal of the above-referenced case was filed in this office on January 24, 1994 by Thomas A. Bodie, Esquire on behalf of the Towson Family YMCA. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Ms. Kathleen Conley
Mr. Kenneth Mills
Mr. George Gavrelis
People's Counsel

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on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 5, 1994

Thomas G. Bodie, Esquire
BODIE, NAGLE, DOLINA, SMITH & HOBBS
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-198-SPHA
TOWSON FAMILY YMCA

Dear Mr. Bodie:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: J. Carroll Holzer, Esquire
Kathleen Conley
Kenneth Mills
George E. Gavrelis
Vivian M. Woodward
Conrad Cowan
People's Counsel for Baltimore County

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 2, 1993

Keith R. Truffer, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-198-SPHA, Item No. 192
Petitions for Variance and Special Hearing
600 W. Chesapeake Avenue

Dear Mr. Truffer:

Enclosed are copies of comments received from the Office of Planning and Zoning on December 1, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

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on Recycled Paper

Case No. 94-198-SPHA
Towson Family YMCA

2/17/94 - Letter of Dismissal filed by Thomas G. Bodie, Esquire, on behalf of Towson Family YMCA, Appellant/Petitioner. Order of Dismissal to be issued by Board.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 4, 1994

Ms. Kay Turner
618 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 94-198-SPHA
Towson Family YMCA

Dear Ms. Turner:

In response to your telephone call, enclosed is a copy of the Order of Dismissal which was issued by the Board on February 24, 1994 in the subject matter.

This appeal was dismissed pursuant to a letter of dismissal filed with the Board on February 17, 1994 by Thomas G. Bodie, Esquire, Counsel for Petitioner, a copy of which is also enclosed.

Should you have any additional questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosures

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

November 29, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #192 - Towson YMCA
600 W. Chesapeake Avenue
Zoning Advisory Committee Meeting of November 15, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. A Forest Buffer Easement must be placed on the stream, both seeps and any adjacent wetlands. The Buffer must be 100 feet off the stream and seeps or 25 feet off any wetlands, whichever is greater.
3. A Forest Buffer Access Easement must be shown on the plan.
4. Both Easement and Access Easement must be shown by metes and bounds.
5. Baltimore County's Forest Conservation regulations do apply to this project.
6. Provide non-disturbance and protective covenants notes on the plan for the Forest Buffer Easement.

JLP:GCS:sp

YMCA/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: April 5, 1994

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-198-SPHA
TOWSON FAMILY YMCA
District 9C4

As no further appeals have been taken regarding the subject case, which was dismissed by Order dated February 24, 1994, we are closing the file and returning same to you herewith.

Attachment

WEST TOWSON NEIGHBORHOOD ASSOCIATION
P.O. BOX 5580
TOWSON, MARYLAND 21285-5580

Donald R. Wright, President
H: 296-6732

December 4, 1993

Hon. Douglas B. Riley
Councilman Fourth District
County Council of Baltimore
Courthouse
Towson, Maryland 21204



Re: Case No. 94-198-SPHA
(Item 192)
600 West Chesapeake Avenue
9th Election District
4th Councilmanic District
Petitioners: Towson YMCA

Dear Doug:

During the past week the communities of Hampshire Woods, Chesapeake Stone Manor, Southland Hills, and West Towson have met to discuss the zoning request by the Towson YMCA. At the time of writing this letter no one at these meetings has spoken out in support of their request. On Saturday morning we attended a meeting (presentation) by the Director of the YMCA, Casey Conley, and a board member. Their presentation lasted approximately 30 minutes and was followed by questions. This was the second time that I had heard their presentation as they were invited to the West Towson Neighborhood Association's board meeting in November. During our meeting, questions were asked and many answers were unavailable at that time. Many of these questions dealt with the environmental impact of an outdoor Olympic size swimming pool 25m X 50m. At Saturday's meeting the answer to these questions were still unavailable.

I am a license swimming pool operator in Baltimore County and have been operating pools for the past 20 years in the County. In addition, I have offered testimony as an expert witness in court pertaining to the maintenance an operation of commercial swimming pools. It is because of this experience that my concern for this pool be based on far greater issues than operating hours, congestion, parking, and noise that a swimming facility will introduce into a residential neighborhood.

Commercial swimming pools are maintained in three phases: (1) summerization, (2) normal seasonal operation, and (3) winterization. Each of these phases have the potential to negatively impact on our communities. Summerization begins with pumping out the pool and acid washing with hydrochloric or muriatic acid which also must be removed. The first question was: Where will you discharge the summerization of your pool? (Answer unavailable) Normal pool operation requires that filters be backwashed (cleaned) periodically. The frequency of backwashing is dependent upon bather load, weather, etc. I would estimate that they would need to backwash the large pool at least 2 times/week and the wading pool 3 times/week. It has been my experience that a facility of this size will need a rate of flow through its filtration system of 380 gals/min. to maintain the turnover rate of three times a day. This means that all of the water in the pool will pass through the filters 3 times during a 24 hour period. This is the minimum requirement by law. When asked where they would discharge the backwashed water (water saturated with bacteria, particulate matter, and chemicals), their answer was to the current holding tank used by their small indoor pool. Their small indoor pool does not have a high rate of flow. The holding tank is too small to accommodate backwashings from their indoor pool, a new Olympic size pool, and a wading pool. The new wading pool is also required to have a separate filter system. A "holding tank" is required by law where an operator intends to discharge pool waste water into the environment, in this case Towson Run. The tank is a facility that will allow for the oxidation of chlorine before the water is discharged. The 72 hour holding period can easily be violated as witnessed by residents who have complained of

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: November 30, 1993

SUBJECT: Towson YMCA

INFORMATION:

Item Number: 102

Petitioner:

Property Size:

Zoning:

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

This petition for a Variance has been requested in order to expand an existing Towson YMCA with a proposed one story addition, bath house, deck, swimming and wading pool.

The request for Variances to Section 1801.2B.2, 1801.2.C.2 and the Comprehensive Manual for Development Policies 11 A, page 29 is required since the building length is proposed to be 270 feet in lieu of the required 200 feet. This request involves non-residential principal building standards in D.R. zones and compatibility requirements in accordance with Section 26-282 and 26-203(d)(20) of the Baltimore County Development Regulations. This site is within the Towson Community Plan area, in a Community Conservation Area, Inner Neighborhoods. Improved pedestrian access from the YMCA to the West Towson community is very important and has been shown on the plan. The Towson YMCA is a community based institution that has been an integral part of the Towson community for the last 25 years.

After reviewing revised site plans and architectural drawings dated 11/19/93, the Director of the Office of Planning and Zoning is making a favorable recommendation concerning the proposed 270 foot building length and site plan, provided the following items are addressed.

1. The fence surrounding the proposed swimming pool should be board on board or stockade. Note 14 on sheet 2 should be revised accordingly.

ZAC-192/PZONE/ZAC1

Pg. 1

RECEIVED

OCT 20 1993

DAFT-MCCLURE-KALIN, HG

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 12, 1993

Ms. Jean Tansey
Daft, McCune, Walker, Inc.
300 East Pennsylvania Avenue
Towson, MD 21286

Re: Limited Exemption - Plan Required
YMCA additions - Towson Branch
ERC No. 10042F - 9C4

Dear Ms. Tansey:

On October 4, 1993, the Development Review Committee reviewed the plan submitted on the above referenced project and determined it to be a Limited Exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations. This exempts your development from the Community Input Meeting (CIM) and the Hearing Officer's Hearing (HOH).

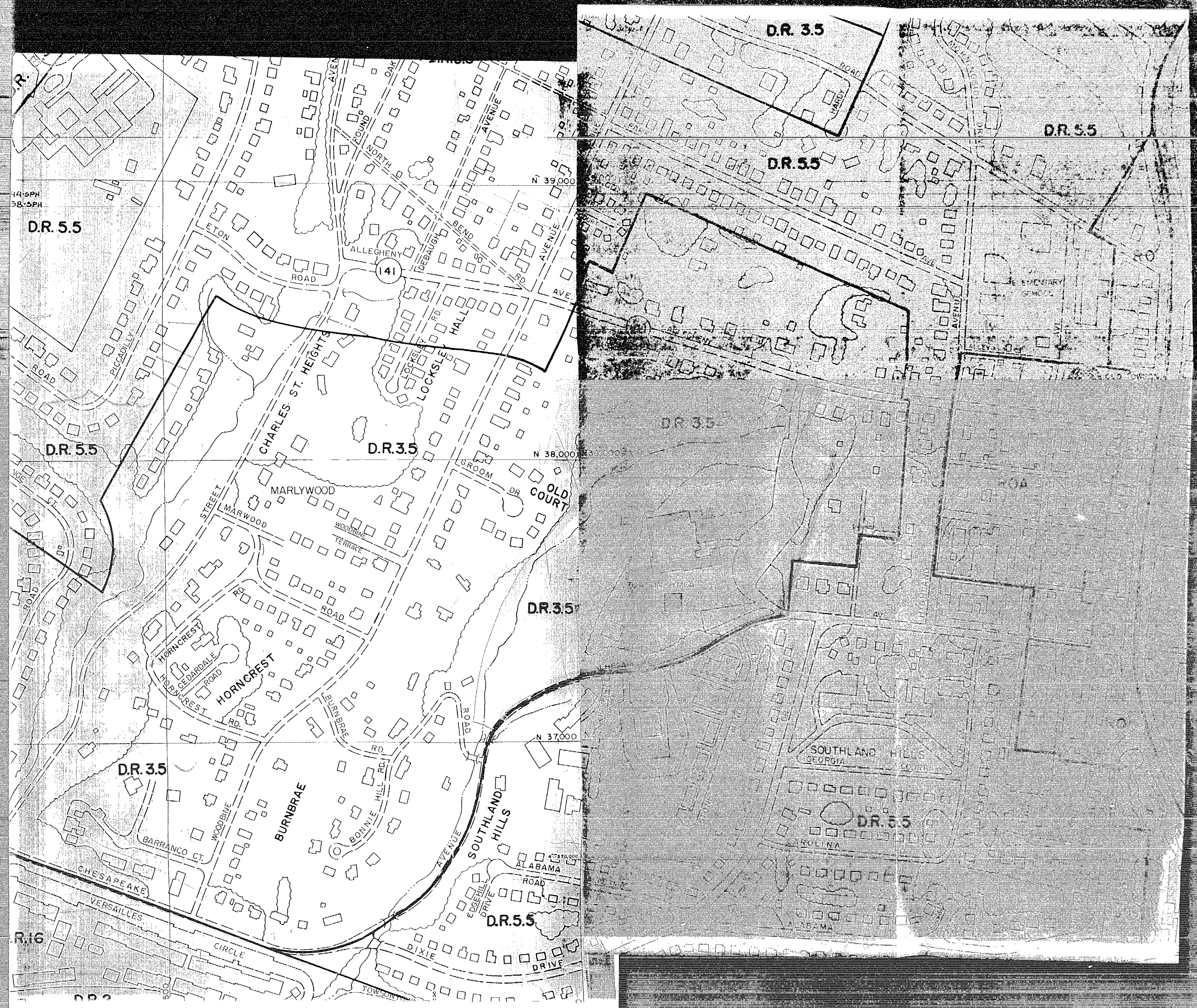
The following requirements are necessary to further process your development plan:

- Submit two (2) check prints of the development plan, prepared in accordance with Sec. 26-203 of the Baltimore County Development Regulations to:
Zoning Administration and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue, Towson, MD 21204
- A copy of this Limited Exemption Approval letter must accompany the check prints.

Your plan will then be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary.

- Twenty-two (22) copies of the plan incorporating check print comments must be submitted to the ZADM office (see address above).

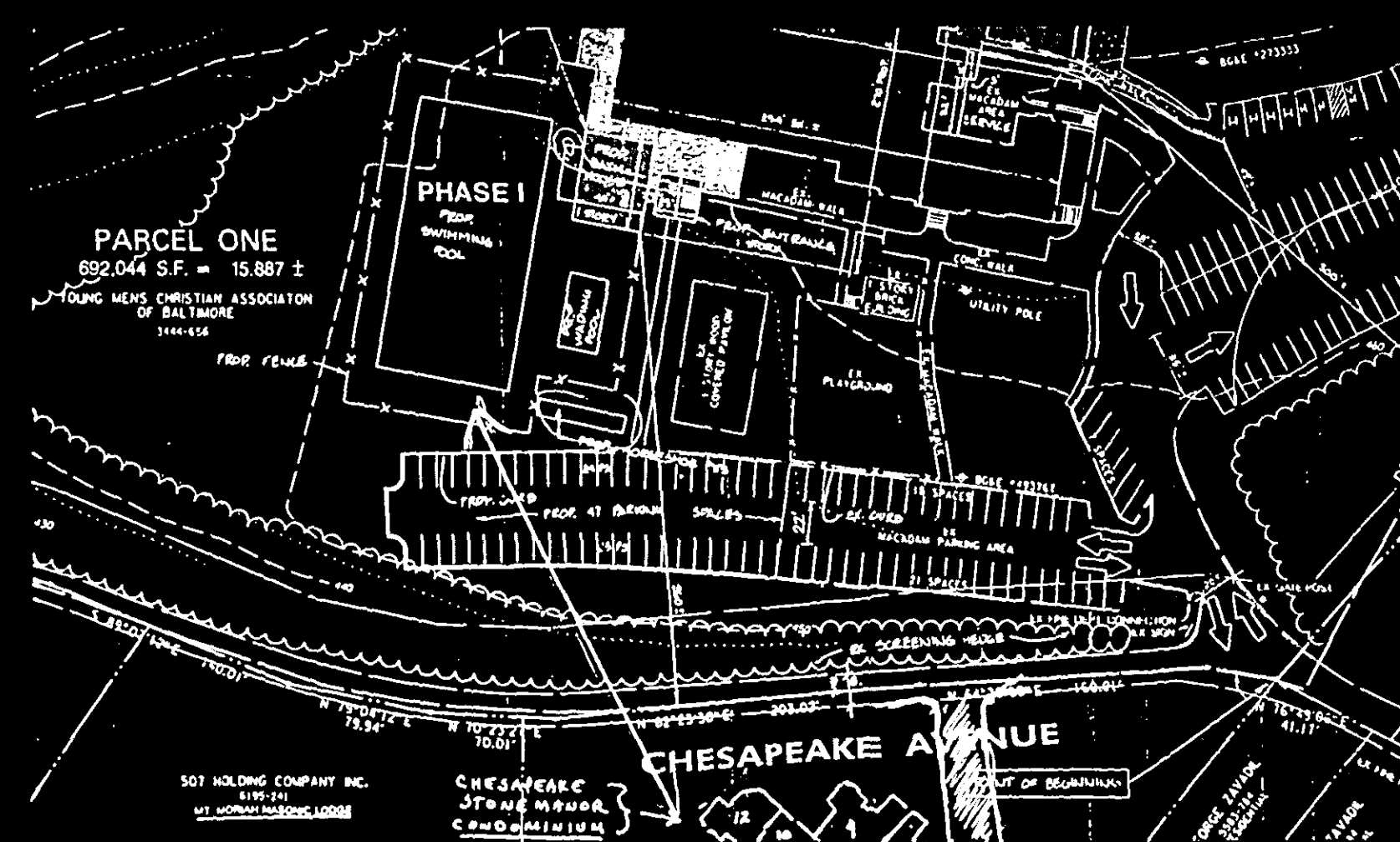
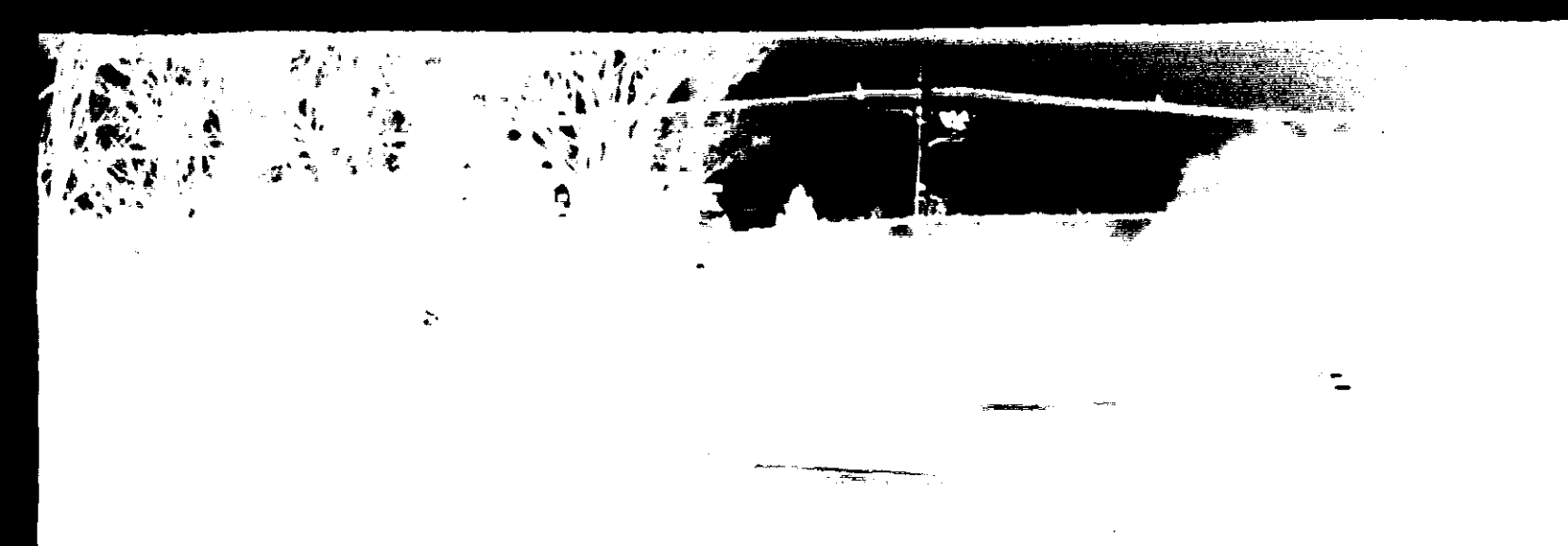
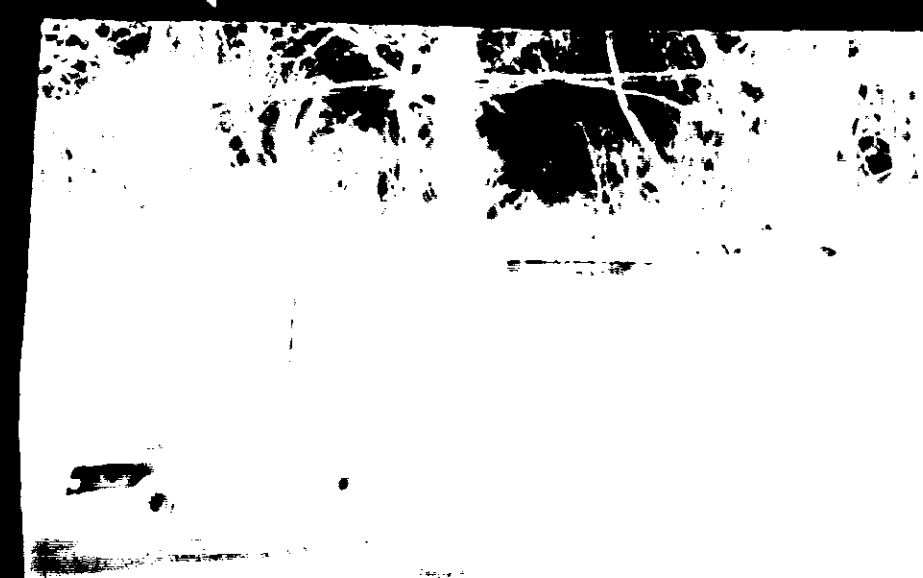
PETITIONER'S
EXHIBIT 4



The Towson YMCA --

as seen from the Chesapeake Stone Manor Condominiums

Site of Proposed
Pool and Parking



"Baltimore County's largest
provider of Day-Care Service"

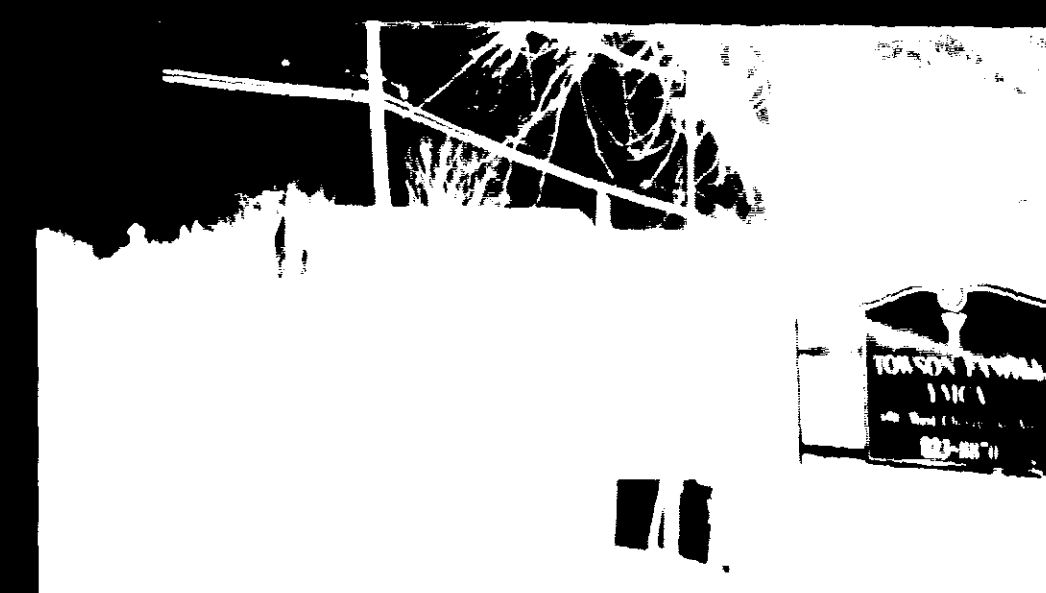
Presently serving
the "Community" with:

- 216 Parking Spaces
- 2,300 Family Units
- 5,000 Total Members

Proposed:

- 263 Parking Spaces
- Olympic (150') Pool
 - * Capacity of 400
 - * Lighting
 - * Security Fencing

Reciprocal Views



Photos taken on Tuesday, November 30, 1993
at approximately 9:00 AM